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09/401,939	09/23/1999	MICHAEL C. SCOGGIE	CAT/29US-SCROCO	5333
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NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			EXAMINER JANVIER, JEAN D	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 08/20/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte SCROGGIE, MICHAEL C., et al

Appeal 2008-004478
Application 09/401,939
Technology Center 3600

DECISION ON RENEWED PETITION

This is a decision on Appellants' "Renewed Petition Under 37 CFR 41.3/1.183," filed July 19, 2010 ("Renewed Petition"). The Petition requests:

The appellant[s] request the Director to instruct the panel to make of record that portion of the American Heritage Dictionary of the English Language (4th ed. 2000), allegedly defining "personal computer" as "a computer built around a microprocessor for use by an individual."

Renewed Petition, p. 2.

The Renewed Petition is directed to a matter pending before the Board of Patent Appeals and Interferences ("Board") and will be treated as a petition under 37 C.F.R. § 41.3(b).

FINDINGS

1. The background of this matter is set forth in the Decision on Petition entered June 15, 2010.
2. In the original Petition Under 37 CFR 41.3/1.183, filed May 20, 2010 (“Original Petition”), Appellants sought exactly the same relief as sought in the present Renewed Petition, as quoted above.
3. On June 15, 2010, the Chief Administrative Patent Judge entered a Decision on Petition dismissing the Original Petition because the authority to resolve the issue raised by the Original Petition properly resided with the Judges on the panel which decided Appellants’ Request for Rehearing. By an Email Notification dated June 15, 2010, Appellants’ Attorney was advised of the entry of the Decision on Petition and that it was available for viewing on Private PAIR.
4. On July 19, 2010, a Decision on Request for Rehearing (“Rehearing Decision”) was entered denying the Request for Rehearing.
5. With respect to the dictionary definition at issue, in the Rehearing Decision, the panel stated “As the Appellants request, we attach a copy of the dictionary page cited in the [original] Decision [on Appeal] showing the definition.” Decision, p. 5, fn. 2.

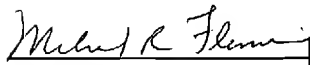
DISCUSSION

In the Renewed Petition, Appellants claim that, in fact, a copy of the relevant dictionary definition was not attached to the Rehearing Decision. Renewed Petition, p. 2. In light of this claim, a copy of the relevant dictionary definition is provided herewith.

In the Renewed Petition, Appellants also allege that “[T]he prior petition has not formally been decided, since no paper is of record on behalf of the CAPJ responding to it.” As noted above, a Decision on the Original Petition was entered on June 15, 2010 and the Rehearing Decision was entered on July 19, 2010. Thus, all of the issues raised in the original Petition have been addressed.

DECISION

In view of the foregoing, the Renewed Petition is GRANTED to the extent that a copy of the relevant dictionary definition is enclosed. All other issues raised by the Renewed Petition are moot.



Michael R. Fleming
Chief Administrative Patent Judge

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personal computer

n. **Abbr.** PC

A computer built around a microprocessor for use by an individual, as in an office or at home or school.

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personal computer

n

(Electronics & Computer Science / Computer Science) a small inexpensive computer used in word processing, playing computer games, etc.

Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003

personal computer ¹ (pûr'sə-nəl)

A computer built around a microprocessor for use by an individual. Personal computers have their own operating systems, software, and peripherals, and can generally be linked to networks. Compare mainframe.

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